

Meeting of 1998-12-8 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 8, 1998 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk

The meeting was called to order at 6:00 p.m. by Mayor Powell. Invocation was given by Pastor Cliff Gravitt, Northside Southern Baptist Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 Richard Williams, Ward Two
 Jeff Sadler, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Charles Beller, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None.

PRESENTATION OF CITIZEN OF THE MONTH AWARD TO DR. GILBERT GIBSON

Dr. Gibson was unable to attend and the presentation will be made at a later date.

AUDIENCE PARTICIPATION: No one appeared to speak.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF NOVEMBER 24, 1998.

MOVED by Williams, SECOND by Warren, for approval of the Minutes. AYE: Williams, Sadler, Purcell, Shanklin, Haywood, Warren, Smith. NAY: None. ABSTAIN: Beller. MOTION CARRIED.

ADDENDUM:

1. Consider declaring an emergency and waiving the competitive bidding requirements for the replacement of a sanitary sewer line located in the 800 block of NW 75th Street. Exhibits: None.

Jerry Ihler, Public Works/Engineering Director, said on December 1, the Sewer Maintenance Division discovered a collapsed sewer line in the 800 block between NW 75th Street and NW 76th Street. It is currently a 15" line identified in the Sewer Rehabilitation Program, Phase Two, scheduled to be done around 2010, at an approximate cost of \$650,000. Staff recommendation is to repair two pipe segments between three manholes with pipe bursting and replace the 15" with an 18" sewer line. Funding would be through the Sewer Rehabilitation Program. There have been discussions with DEQ in the past where DEQ has allowed the flexibility, in cases of emergency such as this, to go ahead and do this project now.

Williams asked Ihler about the integrity of the remaining parts of the line. Ihler said the entire line segment was identified for replacement and it is not in good shape. Crews were called to this area about a year ago, maybe one pipe segment further to the north, where there were several back ups. Ihler said the condition of the line is not good; however, there are several houses on each side of this pipe segment, which is about 18 feet deep. This project will include the entire length behind the rows of houses to prevent disruption to those houses in the future.

If development begins further to the south, Council would be asked to adjust the program to do the rest of the line, but the main portion where there have been collapses in the past, and the current collapse, are the segments to be replaced in this project.

Mayor Powell asked if the current pipe was 15" and the proposed pipe will be 18". Ihler said the Sewer Rehabilitation Study identified that this 15" should be replaced with an 18", and that will be done through pipe bursting due to the depth of the line and limited access to the utility easement. Warren asked if this is not being done in-house because the division is not yet operational. Ihler said yes.

Purcell asked how long it will take to do the project if it is declared an emergency. Ihler said it could take a week or two to get geared up to get started and it needed to be started as soon as possible; quotes will be received tomorrow from contractors and an item will be returned to Council December 15 to ratify staff action to authorize the best, responsive, low bidder to proceed. Time frame may be in the neighborhood of a month for the project. Purcell asked if there was an idea of the cost involved. Ihler said it may be in the \$115,000 range, plus or minus.

Shanklin asked why the line was 17 feet deep and if it would be that deep in this project. Ihler said it would be the same depth, and he did not know why it was put in 17 feet deep 25 or 30 years ago, but to serve some of the lines that tie in from Wyatt Acres and other additions to the west, they all tie in and the depth should remain the same. Shanklin asked if the elevation was great enough that far west to have gravity flow at 17 feet deep. Ihler said yes, and it drains back in and follows parallel to Wolf Creek once it gets further south.

MOVED by Shanklin, SECOND by Haywood, to declare an emergency, waive competitive bidding requirements for replacement of sanitary sewer line located at the 800 block of NW 75th Street, and declare an emergency. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

UNFINISHED BUSINESS:

1. Consider approving the Consolidated Annual Performance Report (CAPER) for Federal Fiscal Year (FFY) 1997 for submission to HUD and authorize the Mayor to sign the authentication and the transmittal documents. Exhibits: CAPER Executive Summary; CDBG FFY 1997 Summary; HOME FFY 1997 Summary. Frank Pondrom, Housing and Community Development Director, said the report was presented and tabled at the last meeting.

Purcell said \$10,028 is shown in 1993 in Contingency according to Exhibit B. He asked if that is now in the total contingency fund shown in each year's budget. Pondrom said this is a snapshot of the situation as of June 30 or July 1; at that point, in all the years, we had \$275,862 in contingency but very soon after the beginning of the program year, we applied \$131,750 to the Patterson Center and to the Carnegie Town Hall, so we have, since the beginning of the program year, about \$139,000. Pondrom said we have projects on-going of almost \$2 million, so this is about a 10% contingency, which is not out of line and large contingencies are needed when there are construction projects going on. Purcell said that was not his question, and the question was if the \$10,000 shown there was included in that snapshot of the total contingency amount. Pondrom said yes.

Purcell said the entry before that is for the Mattie Beal Home, also in 1993, and a \$5,000 balance is shown. He asked if that money is still remaining in the account waiting for something to be done at the Mattie Beal Home. Pondrom said that \$5,000 was spent in July on the Mattie Beal Home. Shanklin asked what was accomplished with those funds. Pondrom said it was for repairs to the entrance. Shanklin asked Pondrom if he knew the money had been spent and the work had been done and Pondrom said yes.

Purcell said in 1989, the first item on the list is \$5,597 for a sewer project in the 4500 block of G Avenue. He asked if they are still waiting for that work to be done, and if it has not been done since 1989, should the project be re-examined and the funds moved into contingency. He said there are many old entries that cause confusion because they seem to still be sitting out there. Pondrom said the work had been done, the amount is excess funds and those funds were sitting in that budget at that point in time, so those funds will be placed in contingency and be available for expenditure starting July 1 next year.

Purcell said the point he was trying to make was, the next time Council receives a budget, someone will have gone through all of the old projects, which may have been out there for ten years, and move the funds into contingency or a new project, and all the things should start dropping off for next year. He asked if that was correct. Pondrom said he presented a slide at the last meeting showing some park projects which had minuscule amounts from three or four years ago, and it does not make sense to leave those open. Pondrom said he would be taking an action to Council, and we did hold a public hearing to just delete those and then starting next year in budget sessions, if there is a need for block grant funds for parks, a larger amount could be included and be broken down by sub-categories. Pondrom said that can be done now with the Integrated Disbursement and Information System.

Shanklin said people in Ward 5 are very concerned with the condition of the Mattie Beal Home, and that the \$5,000 had been delivered to someone, although he did not know that anyone had actually driven a nail or bought a gallon

of paint. He said 1997 still shows \$15,000 and asked if that money can be drawn down when the Mattie Beal Board requests it. Pondrom said yes, the \$5,000 was spent on fixing the entrance and the \$15,000 is for badly needed roof repairs. Shanklin said the portico is about to fall off.

MOVED by Haywood, SECOND by Shanklin, to approve the CAPER for submission to HUD, and authorize the Mayor to sign the authentication and transmittal document. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

2. Consider the approval of the establishment of a liaison position to coordinate, foster and develop joint activities between the City of Lawton and Fort Sill and take other appropriate action. Exhibits: None.

Vincent said this was tabled to allow for hiring of a new City Manager and receiving his input. He said staff was still working with Fort Sill on their request for a liaison person, and had met with Colonel Pointer last week, and had talked to Colonel Bonney again today, and something will be presented from Fort Sill in the near future.

Baker said he did not recommend adding a person to the City staff to perform these duties, but rather that this be assigned to the assistant city manager as a primary duty, and see how that works for a period of time. He said if he and Council determine that is not working, and an additional individual is needed to perform the functions, then he would request that from Council. He said he felt an assistant city manager should be able to handle this, and that he had discussed it briefly with Colonel Bonney, to receive his opinion, and he agreed it probably would not be a full time position at first, although if numerous projects are undertaken and it becomes very time consuming, then he may need to request that an individual be dedicated to this.

Shanklin asked under what conditions a full time employee would be needed. Baker said at the meeting at Fort Sill, General Baxter listed a myriad of projects that we could get involved in, and if there are a number of those that will require a lot of staff time and coordination and planning, then we could get into a position where an assistant manager would not have time to do that, and it depends on how many projects are pursued. Shanklin asked if the employee would be housed on post or in town, and said Lawton did not need to try to be running Fort Sill's business. Baker agreed and said it should be joint projects that would benefit both Lawton and Fort Sill, and Council would have to approve moving in a specific direction, and the staff at Fort Sill would need to approve of it also.

Smith asked if Colonel Bonney had anything to add. Colonel Bonney said he discussed the position with Baker and initially the key requirement for this liaison position is to have somebody who has his fingers in the City government and can recognize possibilities and opportunities, as well as the hard points in looking for solutions from downtown, and that was what they were looking for. Bonney said the answer to Shanklin's question is that initially, we would work with the liaison to identify possible areas where we could work together for a joint solution, so initially it would be identifying solutions. Down the road, if we identify a number of those solutions and need to develop plans and start executing them, then the work load may become significant, but at the present time, the key thing is having someone with the scope and the vision to recognize the opportunities and challenges, and then determine the areas to work on together.

Purcell said he agreed it would be appropriate to assign the tasks to the assistant city manager, and if another position is needed in the future, it should be on the same level as assistant city manager, rather than someone working in a department.

Mayor Powell said when Council met at Fort Sill, General Baxter discussed having someone from Fort Sill sit with the Council at its meetings. He said Fort Sill has not identified that person because the City has not taken any action, but they would be present to receive information and to give information and help in any capacity they could or see if Lawton could help them. They would not have any voting privileges at all. Mayor Powell said he had talked with Baker about this, and Baker had spoken with Vincent, and he understood that could be handled through this item also if Council so desired.

Warren asked if the item required Council action. Vincent said if Council is satisfied with the City Manager's explanation and does not want to take any further action, then a motion is not needed.

Smith asked about the Council having a person from Fort Sill at the meetings. Vincent said that would have to be a separate item and they were working with the legal staff at Fort Sill, as well Colonel Bonney's office, on exactly how that would work. Mayor Powell asked why that could not be done now. Vincent said it may require changing Council policies and similar items. Mayor Powell said it seemed that confusion had arisen somehow and that General Baxter was not asking that someone from Fort Sill sit at the Council table and make decisions or have voting privileges. Vincent said he understood and that he visited with Colonel Bonney again today and they were satisfied staff was moving out on this and needed two or three more weeks.

Purcell said he had discussed this with General Baxter who did not want an arrangement similar to the one in place now with the Lawton School Board, but wanted it to be a step above that. Shanklin asked if it would require a change in the Charter. Vincent said it would be a non-voting representative of Fort Sill to provide information and

take information back to Fort Sill; he would not be a quasi, non-voting member of the Council, and that was one of the things they had to work out. Smith said it would be a liaison from Fort Sill to the Council and Vincent agreed. Mayor Powell asked that the matter be returned for Council to be able to take appropriate action.

BUSINESS ITEMS:

3. Hold a public hearing and consider an ordinance amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Public/Quasi-Public and changing the zoning from R-2 (Two-Family Dwelling District) and R-3 (Multiple-Family Dwelling District) to P-F (Public Facilities District) zoning classification located at approximately 1521 SW Pennsylvania. Exhibits: Ordinance No. 98-46; Location Map; Site Plan; Interior Building Plan; Applications; Draft LMAPC Minutes.

Bob Bigham, City Planner, pointed out the four tracts in question on a view graph map, as well as the airport clear zone, Bishop Road, 11th Street, and Pennsylvania. Some lots are currently zoned R-2 and others are R-3. Great Plains Improvement Foundation applied to rezone the lots to Public Facility; proposed activity is a youth center. The LMAPC held a public hearing on November 11, at which time three persons spoke against the request, two persons spoke in favor, and two others spoke but did not object. The LMAPC approved a Use Permitted on Review for a youth center at this location and recommended amendment to the Land Use Plan and approval of the rezoning. Proper notice of hearing was given. No calls or letters of protest have been received. The youth center is a cooperative effort of the Great Plains Improvement Foundation, the Lawton Housing Authority, and the City of Lawton. The City Council appropriated partial funding for this project in the 1997 CDBG Program.

Purcell asked why a youth center, which is part of the community, could not be in a residentially zoned area. Bigham said the area is zoned R-2 and R-3 with the primary activity being residential, with the exception of churches, and although youth centers have become an integral part of neighborhoods, they are not currently allowed in residential zones. Bigham said the old Dunbar School is zoned as Public Facilities, and this is the appropriate zone for this type of activity in a residential area. Purcell asked if churches could be located in a residential area and Bigham said it is traditional that churches can go in any residential zone. Purcell said it may be a part of the problem in society that we do not have youth activities in the center of residential areas.

Shanklin said the application to amend the Land Use Plan contains a question as to whether the proposed land use will overburden existing infrastructure, including streets, water, sewer, drainage, parks or other facilities. He said naturally an applicant would say no to that question, and asked how someone would have the expertise to answer correctly. Bigham said the applicant is to fill out the application, staff then reviews it and performs an analysis to see if there are problems with the applicant's answer; in this case, staff does not feel this would overburden the infrastructure in the area.

Haywood said the Housing Authority is involved in this, and the Girl Scouts, Boy Scouts, and Cub Scouts will be meeting in those buildings. He said the youth in this area are in need of such a facility and would benefit from it. Williams asked if these services are being provided at the Owens Center, or if they are being provided at all. Haywood said they may be using the police substation on Wisconsin, but they need their own place, there is a need to keep the kids off the street, and this would be a good place for them to go. Shanklin noted several centers are located in this general vicinity.

Baker said the City Council authorized \$50,000 through CDBG for this project. The contract with GPIF for this project expired on November 30, and it will be on the agenda in January for further consideration.

PUBLIC HEARING OPENED.

Rita Love, Housing Authority Director, said the Authority asked her to make Council aware of the commitment made in the Lawton View community. She said since 1990, through the public housing drug elimination grants, a little over \$1 million has been invested in the physical aspect, as well as education, and a lot of time, money and effort is spent with the kids. Love said summer camps may be held at the Housing Authority community room because they are always trying to find a place for kids to meet. She said many times they must make arrangements for transportation because the majority of those living in public housing do not have transportation; the commitment should be to the kids because they do not have access to the other facilities, except for the Owens Multi-Purpose Center, which is quite a distance for the smaller children. She said the facility could be used by other human service agency providers to make their services available to those who are unable to go to the regular locations.

Vincent said information has been received that the 108 loan on Dunbar School has been approved. Haywood said it would be a long process for Dunbar to be renovated, and the building in question is needed also. Haywood said he and Warren recently attended the National League of Cities Conference and discussions were held about the need to get kids off the street. He said kids in Lawton need something to do and this will be helpful in that regard. Haywood said he had gone to drug houses and tried to tell people what would happen to them, and that the Police and the Housing Authority had made real efforts, and due to those efforts, crime has decreased and drugs have dissipated in Lawton View because of the programs. He said this will benefit kids in the City of Lawton.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Shanklin, to approve Ordinance No. 98-46, waive reading of the ordinance, reading the title only.

Purcell said he supports this 100% but would suggest that staff look at the rezoning issue to see if youth activities should be allowed in residential areas, which would hopefully bring a community together. He said churches are already allowed and a lot of youth activities are conducted at churches. Warren said it is acceptable to have a church youth group in an area, but not just a youth group, and that did not appear logical and would likely produce less traffic than a church.

(Title read by Clerk) Ordinance No. 98-46

An ordinance amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Public/Quasi-Public and changing the zoning classification from the existing classification of R-2 (Two-Family Dwelling District) to P-F (Public Facilities District) on the tract of land which is hereinafter more particularly described in Section Two (2) hereof and R-3 (Multiple-Family Dwelling District) to P-F (Public Facilities District) zoning classification on the tract of land which is hereinafter more particularly described in Section Three (3) hereof; authorizing changes to be made in the 2020 Land Use Plan and upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

4. Hold a public hearing and consider an ordinance amending the 2020 Land Use Plan from Residential-Multi Family to Commercial and changing the zoning from R-3 (Multiple Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 1110 SE 45th Street. Exhibits: Ordinance No. 98-47; Location Map; Site Plan for 8,500 sq. ft. building; Applications; Analysis prepared by Assistant Planning Director; Memorandum from Transportation Planner II; Memorandum from Traffic Engineer; LMAPC Minutes. Bigham pointed out the location of the 0.76 acre tract on the view graph map. Points of reference were 45th Street, Circle K, Pizza Hut, Super 8 Video Rental, Country Mart, a large tract of vacant commercial property, vacant multi-family to the north, and Sullivan Village single family homes. The October 28 LMAPC public hearing was continued to November 11 to allow the applicant to submit a clarified site plan. The revised plan still had some difficulties but the applicant indicated he would make adjustments for compliance. LMAPC, by a six to two vote, recommended approval of Amendment to the Land Use Plan and the rezoning to commercial. No one spoke at the public hearings except the applicant. Bigham said proper notice has been given for the public hearing before Council.

Beller asked Bigham who owned the large, vacant commercial tract. Bigham said he could find out but did not have that information. Beller said if there is commercial property all over town, it should not make a difference to a person who wanted to have his parcel zoned commercial. Beller said one of the reasons staff recommended denial was the 47 acres in the area already being commercially zoned, and that should not have a bearing on an individual requesting rezoning because it is almost like telling a person "no, we want you to buy from this old boy over here", or that was his perception, and asked for the rationale behind that thinking.

Bigham said the Land Use Plan designates a certain percentage of the community for commercial activities, and obviously the whole community cannot be commercial, so the concept of the Plan is to center the commercial activities around major intersections, such as SE 45th Street and Lee Boulevard. The concept in the Land Use Plan is not to have strip zoning along all the arterial streets, and in this situation, there is 40 acres of vacant, commercial land, and a commercial node around an intersection. He said a question is whether we want to encourage commercial development at major intersections or if land is vacant, making it commercial, would not be a good consistent pattern throughout the community.

Beller said he could understand that line of thought. He suggested the Land Use Plan should be reviewed, as Purcell had alluded to in the past, and make changes. Bigham said it is a guiding, policy document, and there will be cases not covered within the Plan, and that is the reason for the amendment process.

Warren asked if SE 45th Street was an arterial and Bigham said yes. Warren said the problem does not appear to be with businesses being striped into the area, but there will be a problem with having allowed every block to empty on to an arterial road from the residential area. Warren said businesses are usually blamed for traffic problems but we have allowed neighborhood traffic to empty onto an arterial road, and in 20 years, residents may be asking for a stop light at each of those intersections. He said there did not appear to have been much thought given on the traffic patterns.

Bigham said Sullivan Village was the first subdivision in East Lawton and they patterned their development after the old style that was used in North Addition and other older subdivisions. He said that Sungate Addition, across the street, is built on a collector street concept, so there was a total change in philosophy on how to subdivide land from the 1960's to the 1970's and on.

Williams said the 2020 Land Use Plan was a policy document and asked if it was almost time, in a regular cycle, to review that document. Bigham said yes. Williams suggested it be reviewed because there are many problems like this and consider designating the major arteries as commercial since it comes up often.

Purcell said when the 2020 Land Use Plan is reviewed, Council should decide whether every major arterial, or whatever definition is decided, such as a major road, or something similar, would be zoned commercial. He said that is done in many other cities. Purcell said that would not mean that the houses currently in place could not stay in the commercial, but people would know when considering buying an apartment complex or an individual residence on a particular road, they would know that at some future time, someone would want it for a commercial development. He said the 2020 Land Use Plan should be made more realistic because every major arterial, or whatever definition is used for the major roads, will have commercial on it at some point in time, maybe ten or twenty years, but it will be commercial.

Baker said he had heard this discussed time and time again when considering the Land Use Plan, and staff will review that. He said suggestions would be sought and Council could consider it further, perhaps in a committee form.

Shanklin said his comment when the Plan was adopted was that many people outside the City limits would be disenfranchised by it, and the individual owners would come before Council requesting consideration. He said it is hard to tell someone that a decision has been made as to how they should use their property.

PUBLIC HEARING OPENED.

Bill Evans, Keystone Properties, requested approval of the rezoning to allow construction of the second build-to-suit for Dollar General, and a store was recently completed at 30th and Summit. He said the store on SE 45th would be similar, and customers have wanted a store on that side of town. Evans said they are aware of staff concerns and would endeavor, with their engineer, to work in those areas, especially in minimizing truck traffic. He said Dollar General serves 95% of their merchandise from their own trucks, and the truck will arrive on Sunday morning between 7 and 9 a.m. before the store is open, which should minimize any congestion on 45th Street.

Evans said he hoped a store could be built that Dollar General and the City of Lawton could be proud of and one which could add to the sales tax base in Lawton.

PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Smith, for approval of Ordinance No. 98-47, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 98-47

An ordinance amending the 2020 Land Use Plan from Residential-Multi Family to Commercial and Office and changing the zoning classification from the existing classification of R-3 (Multiple Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section Two (2) hereof; authorizing changes to be made in the 2020 Land Use Plan and upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None.
MOTION CARRIED.

5. Consider appeal of administrative order to secure a vacant, fire damaged structure located at 1414 NW Sheridan Road, and uphold the administrative order requiring the structure to be secured. Exhibits: Appeal; Administrative Order.

Mayor Powell said Item 5 would not be considered at the request of the applicant.

6. Consider adopting a resolution establishing the City of Lawton Animal Welfare Fund. Exhibits: Resolution No. 98-206.

Smith said he went to the Animal Shelter about a month ago to give back the money refunded for animals adopted for the spay and neuter charge. He said he was told the Animal Shelter could not take the money because any funds donated must go to the General Fund, and it is not returned to them. Smith said this fund would give the Animal Shelter the ability to receive donations to run the Animal Welfare special needs that are not included in the budget.

MOVED by Smith, SECOND by Haywood, to approve Resolution No. 98-206.

Williams said Council members have the opportunity to determine division budgets at the appropriate time. Shanklin asked how this could be monitored. Warren asked if the City Manager agreed with the item. Baker said he had no problem with it and the Finance Director would set up a special, dedicated account for when the funds come in, and it will be subject to audit like any other City account.

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None.
MOTION CARRIED.

(Title only) Resolution No. 98-206

A resolution establishing the City of Lawton Animal Welfare Fund.

7. Consider regular employee pay plan alternatives, chose an alternative, and authorize the City Manager and Human Resources Director to take the necessary steps to implement the alternative chosen. Exhibits: Listing of Alternate Options.

Chuck Bridwell, Human Resources Director, said Council asked during budget discussions that staff present alternatives for the general employee pay plan. Eight alternatives were reviewed by staff and five were included in the agenda folder. The Employee Advisory Committee recommended that a consultant be engaged, as shown in Option E in the background. Bridwell said he joined the EAC in that recommendation.

Purcell asked if Option A carried a person from day one on the job to day of retirement with regular pay increases at a regular interval. Bridwell said yes. Purcell asked if the same was true of Options B, C and D and Bridwell said no. Purcell said he did not oppose hiring a consultant, but that he was the one who had asked for this for the last two years at least, and the object is to carry the pay scale out for a period of 30 years, and that he would not consider Options B, C and D because they solved nothing as far as people reaching a maximum pay level after five years and then being eligible no more raises for the remainder of their career, unless there is a promotion. He said he hoped the guidance to the consultant would include developing a plan to cover a 30-year career.

Shanklin said the initial cost is projected at \$122,000 in today's dollars, and asked if anyone had projected what that could be three or four years from now. He said he read this as being new dollars required from the budget and asked if that was correct. Bridwell said he was not sure he understood the question. Shanklin said background states that an estimated \$122,000 for FY 98-99 if enacted in January 1999, and asked if that meant the budget would go up by that amount. Bridwell said yes, and future years would be an additional percent and a quarter compounded. Shanklin asked how much is that. Bridwell said he did not calculate that. Shanklin said it is a lot of money, and that should be known because it will require funding.

Baker said he discussed this with Bridwell and the EAC Chairman and he shared the recommendation that a consultant is needed. He said there are inequities and perceived inequities in the current pay plan and Purcell identified one problem of employees reaching a maximum level too soon, which eliminates incentives for them throughout their career, although they are eligible for other fringe benefits. Baker said there are other problems in the City's position classification and pay plan, and those need to be addressed and resolved. He said this is a very difficult task and we would be well served by having a consultant; some of the concerns would be identified for the consultant to look at and hopefully the consultant will provide something to address a majority of the problems we now have. Baker said he did not feel we had the necessary expertise to do this in-house and to do it correctly.

Beller asked what the consultant could do that City staff could not do. He said he understood it may involve a lot of man hours, and asked if we knew in-house what needed to be accomplished and what we had to accomplish it with. Beller said the City may not have the budgetary capability to do what the consultant recommends.

Warren said the vote on this item would be to have the City Manager go out for an RFP for those services, and no funds are being committed at this time, and the RFP would show the cost for the consultant and what the consultant can provide. Mayor Powell said the item provides to approve taking steps to implement the alternative chosen. Warren said that would apply to the other options, but if a consultant is the option selected, it is only to allow requesting the RFP but not to spend \$35,000.

Shanklin asked if the consultant would do the job descriptions and upgrade them. Beller said one response is no and one is yes and that he did not receive an answer to his question.

Purcell said there is no one in the City that can figure out an entire pay plan and what people should be making. He said there are experts who have access to this information, know what they are doing, and that is their whole function to do these things. Purcell said we do not know whether a secretary should be making \$5 an hour or \$20 an hour, and staff can come up with something, but an outside agency can compare what a secretary is making not only in the Lawton city government, but also in businesses in this particular area, and that is just one example. He said there have been problems hiring engineers, and we are probably underpaying in the scale for engineers, and you cannot find them. Purcell said the experts should come up with the correct rates, as well as a pay plan, and when they finish, a pay plan should be in place to cover every class of employee from the day they come to work until the day they retire; Council can then accept or reject those recommendations.

Sadler said the City went through this in about 1994, and it was called an employee reclassification process. He said Council approved it, although one or two members did not support it because they took informal polls around the City and asked what they paid their secretaries, and the positions did not pay as much as the City was already paying. Sadler said some members did not feel they could ask for more money, through utility bills or some

mechanism, when the people in City Hall were already making more. He said he thought this had been done once and had it fairly well established. Sadler said he was not opposed to this suggestion and asked the cost of the previous consultant, which may have taken a year. Baker said it took longer than that, and there was a city staff committee charged with developing a new classification and pay plan, which took two to three years. Baker said after that was done, there were so many problems with it and so much dissatisfaction among the employees that the City then hired a consultant to look at it again, and that was brought back to Council; that was about five years ago. Sadler said everyone wants to be fair but to come up with the fair amount and then be able to fund it may be a problem.

Beller said the last sentence is that the consultant will also do a salary survey for police and fire positions, and asked if that would be done. Bridwell said the consultant would be asked to do that, yes. Beller asked what would be done once that information is received. Vincent said a consultant did that in 1995, and a gentleman's agreement was made that the salary structure would be reviewed every two to three years, so he thought, when the consultant was mentioned, that this could be included at a relatively low additional cost, if so desired, rather than try to do it in-house.

Beller said he was of the opinion that the general employees needed a bigger piece of the pie, and the only way they will do that is for them to get a union. He said until that is done, consultants and salary surveys will not help general employees get their fair share. Beller said he felt Council should upgrade the salaries for general employees, and if this will accomplish that, he would support it.

Warren said previously the consultant may have recommended a good classification system, but it seemed nothing was included to address what happens after a person has been here 20 years. Sadler said on the previous review, it seemed that one director may have fought a little harder for his secretary than someone else, and you had two people doing very similar work but the salaries, over the years, had gotten way out of balance, and some of that was addressed. Sadler said the career issue was not addressed before.

Beller asked if this would remedy the problem of employees being frozen at a certain rate. Bridwell said it is not uncommon for positions to be frozen, although he hoped positions would not have to be frozen.

Mayor Powell suggested that staff could be directed to receive RFP's.

MOVED by Purcell, SECOND by Smith, to direct the City Manager and the Human Resources Director to request RFP's to qualified compensation consultants and that the proposals be reviewed and a recommendation be made to the Council for engagement of a consulting firm. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

8. Consider an ordinance amending Section 7-605, Section 7-705, Section 7-1111(3), Section 7-1823, Section 7-2102, Section 7-2205, Section 7-2703, Chapter 7, Lawton City Code, 1995, relating to business licensing procedures. Exhibits: Ordinance No. 98-48.

Vincent said he and his staff had been looking at the various types of licensing applications that are referred to the City Attorney's Office for review, and the reason for that review since it adds about a week to the licensing process. He requested that the City Attorney's Office be taken out of the formal license application procedure, and that they would still handle questions from the applicants or the departments when necessary. Vincent said the duties would be handled by the Director of Finance and that department is the licensing department in the first place.

MOVED by Beller, SECOND by Purcell, to approve Ordinance No. 98-48, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 98-48

An ordinance amending Section 7-605, Section 7-705, Section 7-1111(3), Section 7-1823, Section 7-2102, Section 7-2205, Section 7-2703, Chapter 7, Lawton City Code, 1995, relating to business licensing procedures.

VOTE ON MOTION: AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

9. Consider a resolution setting the date for the 1999 municipal election and designating offices to be elected. Exhibits: Resolution No. 98-207.

Vincent said the 1999 municipal election will be the second Tuesday in March, which is March 9, 1999. Council positions that will normally be up for election are Wards 3, 4 and 5, and also in this case the remaining one year term for Ward 7. Filing period will be February 9, 10 and 11, 1999.

MOVED by Shanklin, SECOND by Haywood, to approve Resolution No. 98-207. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-207

A resolution of the Council of the City of Lawton, Oklahoma, calling for and setting the dates for the Municipal Election to be held during the year 1999 as provided in the City Charter; specifying the officers to be elected;

providing for qualifications of candidates; designating which elective offices shall be filled by voting by ward; providing for nonpartisan election; providing for residency requirements; providing that Precinct 42 not be opened; directing that a copy of this resolution be forwarded to the Secretary of the Comanche County Election Board as required by State Law.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

10. Consider the following damage claims recommended for approval: Sherry Alexander; Jeff and Karen Hall; Constance Hughes; and Nelson Tsa-Toke. Exhibits: Legal Opinions/Recommendations. Action: Approval of claims as follows: Alexander: \$132.50; Hall: \$130.00; Hughes: \$149.75; Tsa-Toke: \$195.00.

11. Consider a resolution authorizing the installation of traffic control devices at specified locations. Exhibits: Resolution No. 98-208; Excerpt of 11/19/98 Draft Traffic Comm. Minutes.

(Title only) Resolution No. 98-208

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma.

Locations: 1) Install "Yield" sign at T-Intersection of Hoover Avenue and Williams Avenue (yielding the southbound traffic along Hoover); 2) Install "Stop" signs at intersection of NW 26th and Williams Avenue (stopping N/S 26th Street); 3) Install "Stop" signs at intersection of SW 78th and Cherokee Avenue (stopping N/S 78th Street).

12. Consider denying requests for the installation of traffic control devices at specified locations. Exhibits: Excerpt of 11/19/98 Draft Traffic Commission Minutes. Action: Denial of requests.

13. Consider reverting Lot 15, Block 12, Sherwood Addition, Part 5, to Ivanhoe, Inc., and authorize the Mayor and City Clerk to execute the warranty deed. Exhibits: Letter of Request; Location Map; Warranty Deed to City from Ivanhoe, Inc.; Warranty Deed from City to Ivanhoe, Inc. Action: That the City convey Lot 15, Block 12, Sherwood Addition, Part 5, back to Ivanhoe, Inc. and authorize the Mayor and City Clerk to execute the Warranty Deed.

14. Consider setting a date of January 12, 1999, to hold a public hearing and consider an ordinance closing a utility easement located in the Southwest Quarter of Section 36, Township 2 North, Range 12 West, I.M., located at approximately 2109 SW Lee Boulevard. Exhibits: Application; 300' notification map; Council Policy No. 5.1. Action: Set a date of January 12, 1999, to hold a public hearing to consider an ordinance closing the easement located at approximately 2109 SW Lee Boulevard.

15. Consider and approve a resolution approving modifications and revisions to the existing City Pay Plan, modifying position titles in the FY 98-99 budget and Pay Plan, authorizing establishment of an Information Services Department and declaring an effective date. Exhibits: Resolution No. 98-209.

(Title only) Resolution No. 98-209

A resolution approving modifications and revisions to the City's existing pay plan, modifying position titles listed in the FY 98-99 Budget, authorizing establishment of an Information Services Department, and declaring an effective date. For the Record: Effective date is December 8, 1998; Position established is Information Services Director at Pay Grade 166; positions deleted are Communications Director and MIS Supervisor.

16. Consider awarding a construction contract to Robust Construction L.L.C. for the East City Hall portion of the General Facilities Project 97-13 Phase 1. Exhibits: 11/24/98 Bid Tabulation. Action: Award a construction contract to Robust Construction L.L.C. for the East City Hall portion of the General Facilities Project 97-13 Phase 1 in the amount of \$34,211.00.

17. Consider the renewal of an agreement with Marie Detty Youth and Family Services Center, Inc., to lease certain building space at Owens Multi-Purpose Center for day care facility and authorize the Mayor and City Clerk to execute the same. Exhibits: None. Action: Approve the renewal of an agreement with the Marie Detty Youth and Family Services Center, Inc. to lease building space in the Owens Multi-Purpose Center and authorize the Mayor and City Clerk to execute the same.

18. Consider extending contract for repair clamps, bell joint clamps and steel couplings. Exhibits: Vendor's Mailing List; Bid Tabulation; Recommendation. Action: Extend contracts with Oklahoma Contractor Supply and Pioneer Supply, and authorize execution.

19. Mayor's Appointments. Exhibits: Memorandum.

Lawton Human Rights & Relations Commission: Dorothy Woodruff, African American Representative, Term: 12/8/98 to 9/30/2000

20. Consider approval of payroll for the period of November 30 through December 13, 1998. Exhibits: None.

MOVED by Purcell, SECOND by Warren, to approve the Consent Agenda items as recommended.

Beller said Item 14 is to set a public hearing date. He asked that Council be given complete and accurate information as to the location of utilities and easements prior to the public hearing.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

21. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss proposed settlement of the claim of Tracy L. Hillis, and if necessary, take appropriate action in open session. Exhibits: None.

22. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the claim of Helen J. Coffee, and, if necessary, take appropriate action in open session. Exhibits: None.

23. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a proposed settlement in the civil suit styled The City of Lawton, Oklahoma v. Charley E. Snyder, et al., Case No. CJ-97-811, in the District Court of Comanche County, Oklahoma, and, if necessary, take appropriate action in open session. Exhibits: None.

24. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a claim regarding loss of personal property owned by claimant, Annie Sietsema, and take appropriate action in open session. Exhibits: None.

ADDENDUM ITEM: Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a potential claim against the City of Lawton by Bob Dismuke and, if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Smith, SECOND by Warren, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:15 p.m. and reconvened in regular, open session at approximately 7:50 p.m. with roll call reflecting all members present.

Vincent reported on the matters discussed in executive session. He said the first item is the claim of Tracy L. Hillis; two meetings ago Council had authorized staff to negotiate for settlement of this claim and staff recommendation is to authorize the Mayor and City Clerk to sign a resolution settling this claim for the amount of \$7,500.

MOVED by Smith, SECOND by Purcell, to approve Resolution No. 98-210, and authorize the Mayor and City Clerk to sign the resolution. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-210

A Resolution authorizing the City Attorney to enter into a Settlement Agreement for the sum of Seven Thousand Five Hundred Dollars and 00/100s (\$7,500.00) as settlement of a claim filed by Tracy L. Hillis, by and through her attorney, Emmitt Tayloe, and directing the City Attorney to prepare and file a Journal Entry incorporating said resolution and Settlement Agreement for the Court's approval.

Vincent said Item 22 involves a claim against the City by Helen Coffee; staff has been investigating the claim and recommends settlement and request authorization for the Mayor and City Clerk to sign a resolution settling this claim in the amount of \$20,000.

MOVED by Williams, SECOND by Smith, to approve Resolution No. 98-211, and authorize the Mayor and City Clerk to sign the resolution. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-211

A Resolution authorizing the City Attorney to enter into a Settlement Agreement for the sum of Twenty Thousand Dollars (\$20,000.00) as settlement of a claim filed by Helen J. Coffee, by and through her attorney, James R. Willson, and directing the City Attorney to prepare and file a Journal Entry incorporating said Resolution and Settlement Agreement for the Court's approval.

Vincent said Item 23 is the City of Lawton v. Charley E. Snyder regarding a condemnation case on Highway 81 concerning the City's 42" water line. Settlement has been negotiated in the amount of \$500 and recommendation

was that Council approve a resolution authorizing the Mayor and City Clerk to sign the resolution. MOVED by Smith, SECOND by Purcell, to approve Resolution No. 98-212, and authorize the Mayor and City Clerk to sign the resolution. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 98-212

A Resolution authorizing and directing the City Attorney to settle a Civil Suit styled The City of Lawton, Oklahoma vs Charley E. Snyder, et al., District Court of Comanche County, Oklahoma, Case No. CJ-97-811.

Vincent reported Item 24 is a claim filed by Annie Sietsema for personal property loss. This was discussed in executive session and the City Attorney recommended denial of the claim.

MOVED by Haywood, SECOND by Smith, to deny the Sietsema claim as recommended. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

Vincent reported the addendum item was the potential claim of Bob Dismuke against the City. He said this item was discussed in executive session and no action is required in open session, and that concluded his report.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Beller said he distributed a newspaper article regarding the rights of citizens, and it is food for thought. He said freedoms are being eroded daily by governmental actions and Council had discussed a number of things tonight. Beller said he began thinking about this when the new sign ordinance was enacted, and many people worked on it diligently, but Council disenfranchised a number of business people as a result. He said he was seriously concerned about constantly chipping away at the freedom of citizens.

Smith asked anyone considering a pet for the holidays to please go see the people at the Animal Shelter.

Baker said Council received a note regarding a January 5 workshop with DEQ for a briefing on water shed protection. He said DEQ is required to give the briefing and it should take an hour and a half.

Baker said on December 15, there will be snacks before the Council meeting as a holiday celebration.

Baker said there was a question about an irrigation system the City had agreed to install at the Grand View Sports Complex as part of an agreement with the Lawton Public Schools. He said the City Attorney looked into it, and the way the contract reads is that the City would install the irrigation system if and when funds are available. Baker said that is still under discussion with the Lawton Public Schools but the contract did specify if and when funds are available.

Baker said we are experiencing some problems with the bank and we are working on that. He said a man will be in tomorrow from Oklahoma City to meet with the City's finance staff to straighten these things out.

Baker said Council received a memo regarding the number of water line breaks since the beginning of the fiscal year, and there have been record numbers. He said the citizens have been very patient and not complained and there are in excess of 300 yards at this time that need to be restored. There are also 95 driveways that need to be repaired and replaced. Baker said the Public Works/Engineering Director has requested additional resources and that is being discussed.

Mayor Powell said calls have been coming in as a result of the signs which were put up in the parks, and the intent of the signs was to let the public know and for them to let their wishes be known. He said the sign in Ron Stephens Stadium has been removed as that area is the subject of a land swap with the Lawton Public Schools, and the same may be the case near Douglas Elementary.

Williams asked if a conclusion had been reached with Lawton Public Schools regarding the land swap. Mayor Powell said he received a call Sunday night and supposedly Chuck Wade has found in the deeds at the Courthouse where there was a land swap made at some point in time and he is supposed to bring that in, but they found in their minutes of the Lawton Public Schools where in fact there was a land swap made. Mayor Powell said he asked for verification and Mr. Beauchamp is attempting to provide that.

Vincent said he spoke with Mr. Wade today and there is still some confusion over the status of Ron Stephens Stadium, therefore, staff has been looking at additional parks that could be substituted in to replace the Ron Stephens Stadium land in the potential land swap for the Johnson Park on NW 82nd Street. The City Clerk said the park disposal item was tabled to the last meeting in March.

